

ENVIRONMENTAL JUSTICE IN TEXAS

KELLY HARAGAN

What is environmental justice?

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

This goal will be achieved when everyone enjoys:

- The same degree of protection from environmental and health hazards, and
- Equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

U.S. Environmental Protection Agency's definition

Exposure to multiple air pollutants is higher for lower-income people and is much higher for Black and Brown people

- Air pollution has been linked to cardiovascular disease, respiratory disease, cancers, adverse birth outcomes, cognitive decline, and other health impacts.
- Air pollution exposures (CO, NO₂, O₃, PM_{2.5}, PM₁₀, SO₂) were generally higher for lower-income than for higher-income households.
- Absolute racial/ethnic exposure disparities were distinct from and were larger than (on average approx. 6 x larger) disparities by income.

Disparities in Air Pollution Exposure in the United States by Race/Ethnicity and income, 1990-2010

Environmental Health Perspectives (2021)

Black higher-income, Black low-income, and White low-income persons may benefit more from reductions in PM_{2.5} pollution

- Lower PM_{2.5} exposure was associated with lower mortality in the full population
- Structural racism is more salient than income in driving inequities in PM_{2.5} exposure.

Air Pollution and Mortality at the Intersection of Race and Social Class

The New England Journal of Medicine (2023)

Air pollution contributes to global burden of disease. Disparities in exposure have been increasing over time

Exposures to PM_{2.5} have been identified as the 5th ranking risk factor for mortality globally. More-targeted reductions in PM_{2.5} are necessary to provide all people with a similar degree of protection from environmental hazards.

Air Pollution Exposure Disparities Across US Population and Income Groups

Nature (2022)



What does environmental injustice look like in communities?

Over-permitting of pollution sources

Lack of environmental enforcement

Granting of special use exceptions from zoning

Lack of access to clean drinking water

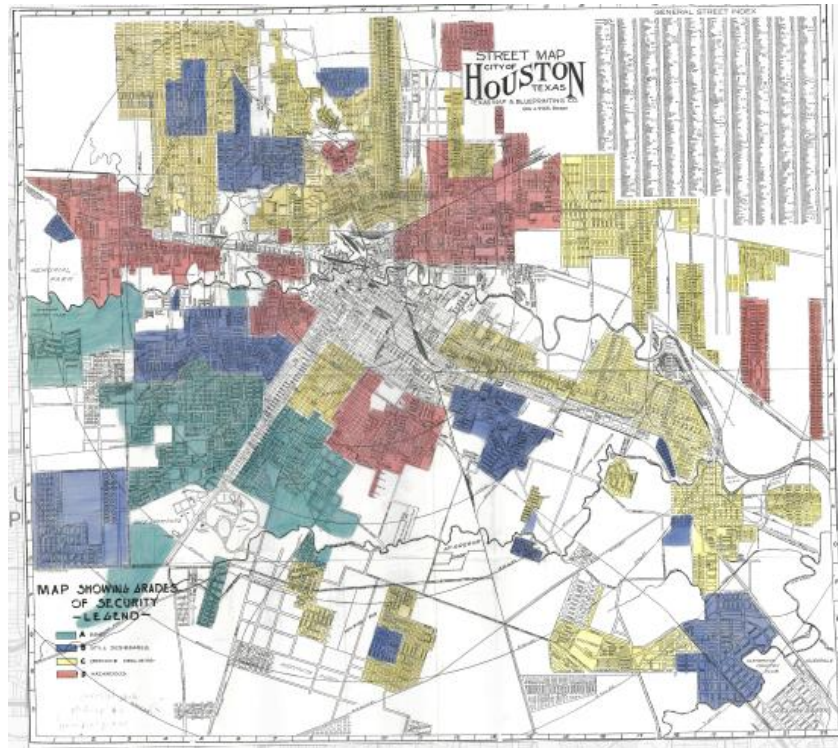
Lack of access to greenspace

Exposure to historic contamination

More vulnerability to impacts of climate change, such as flooding

Inequitable distribution of disaster prevention and mitigation resources

Why the disparities?



“A” = “best” area for investment

B = “still desirable”

C = “definitely declining”

D = “hazardous” investment



Gaps in environmental regulatory system

- Failure to consider cumulative environmental impacts:
 - Multiple facilities
 - Multiple pollutants
 - Cross media
- Lack of precautionary principle: prove harm, then regulate
- Lack of monitoring/reliance on self-reporting
- Politics and federalism

Each Federal agency shall make achieving environmental justice part of its mission by **identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects** of its programs, policies, and activities **on minority populations and low-income populations ...**

Each Federal agency shall **conduct its programs, ... in a manner that ensures that such programs, ... do not have the effect of excluding persons from participation in, denying persons the benefits of, or subjecting persons to discrimination ... because of their race, color, or national origin.**

Executive Order 12898 (1994)

Rescinded Jan. 21,
2025

EJ in the Courts: Civil Rights Act Title VI

42 U.S.C. 2000d

§601 - "no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."



Requires Proof of Discriminatory Intent

§602 — requires all agencies empowered to distribute federal funding to adopt rules effecting section 601. Penalty for non-compliance is loss of federal funding.



- Agency rules prohibit disparate impacts as well as intentional discrimination
- Administrative remedy only



Recent rollbacks “disparate impacts”

- *Louisiana v. EPA* (W.D. La. 2024) – prohibited enforcement of EPA and DOJ disparate impact regulations in LA
- 23 states (including Texas) petitioned EPA to eliminate its disparate impact regulations
- Executive Order (April 2025) directs agencies to revoke disparate impact regulations and prohibits enforcement of existing disparate impact laws and regulations
- A number of agencies have withdrawn their disparate impact regulations

SAMPLE STATE ACTIONS: EJ State by State

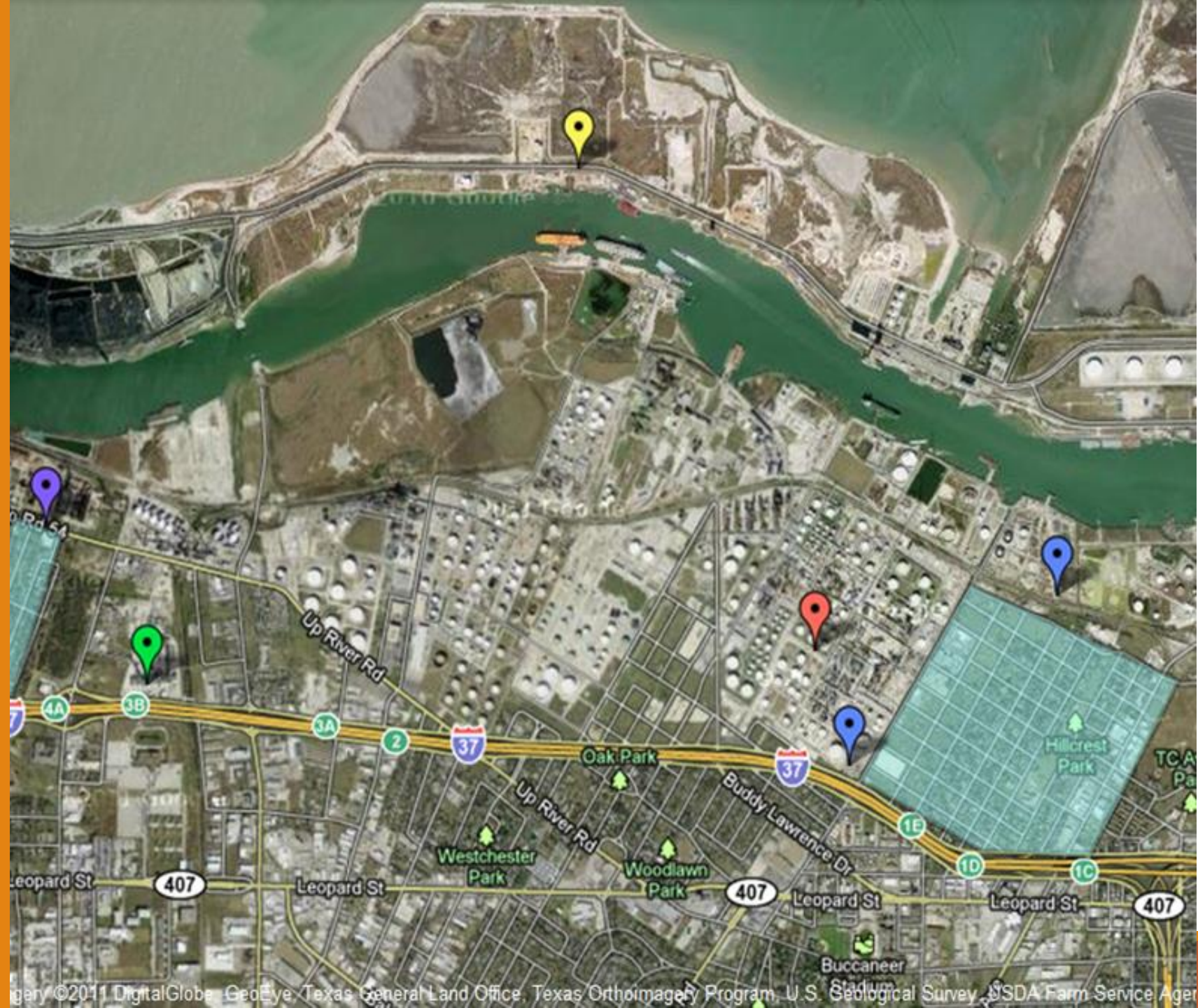
New Jersey: allows NJDEP to deny a permit for certain types of facilities if the requested activity will cause or contribute to adverse cumulative environmental or public health stressors in areas identified as overburdened communities.

New York: requires the consideration of environmental justice in the permitting of Major Electric Generating Facilities

Other states: EJ analysis, EJ mapping, EJ Advisory Boards and Coordinators

Hillcrest
Washington
Coles
(Corpus Christi, TX)

Harbor Bridge
Project





Corpus Christi Harbor Bridge civil rights complaint

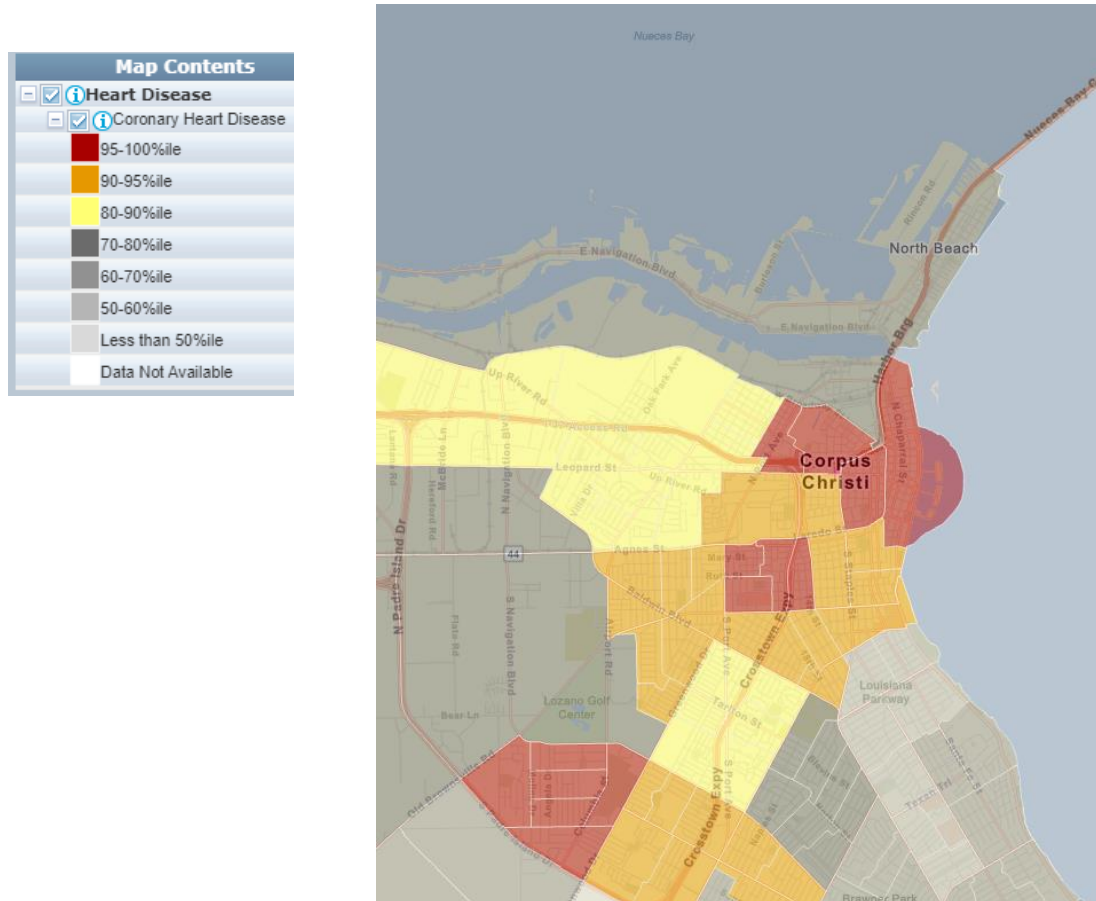
	Hillcrest	Washington-Coles	City of Corpus Christi
White Non-Hispanic (%)	5.8	9.4	33.3
Hispanic (%)	57.8	60.2	59.7
African American (%)	35.8	30.8	4.3
Median Household Income	\$22,647	\$9,686	\$47,481
Poverty Rate (%)	31.3	63.5	18.2

Source: Census 2010

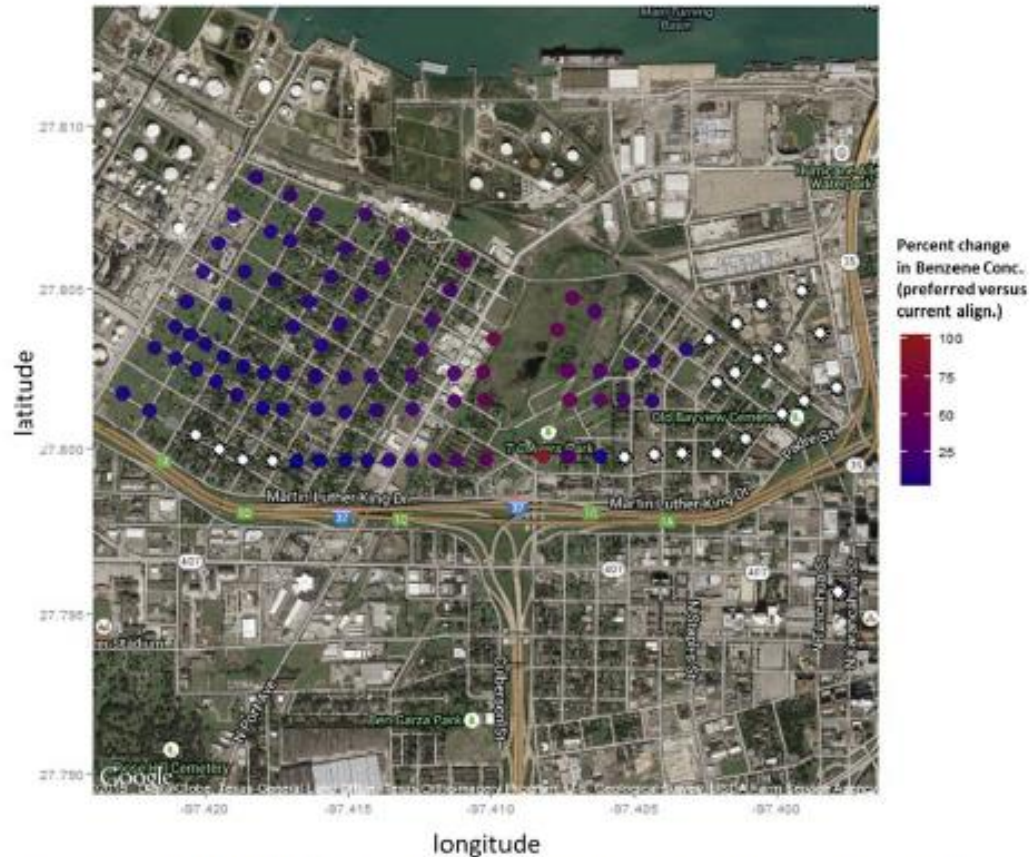
CORPUS CHRISTI HEALTH DISPARITIES - [EJSCREEN](#)

HEART DISEASE

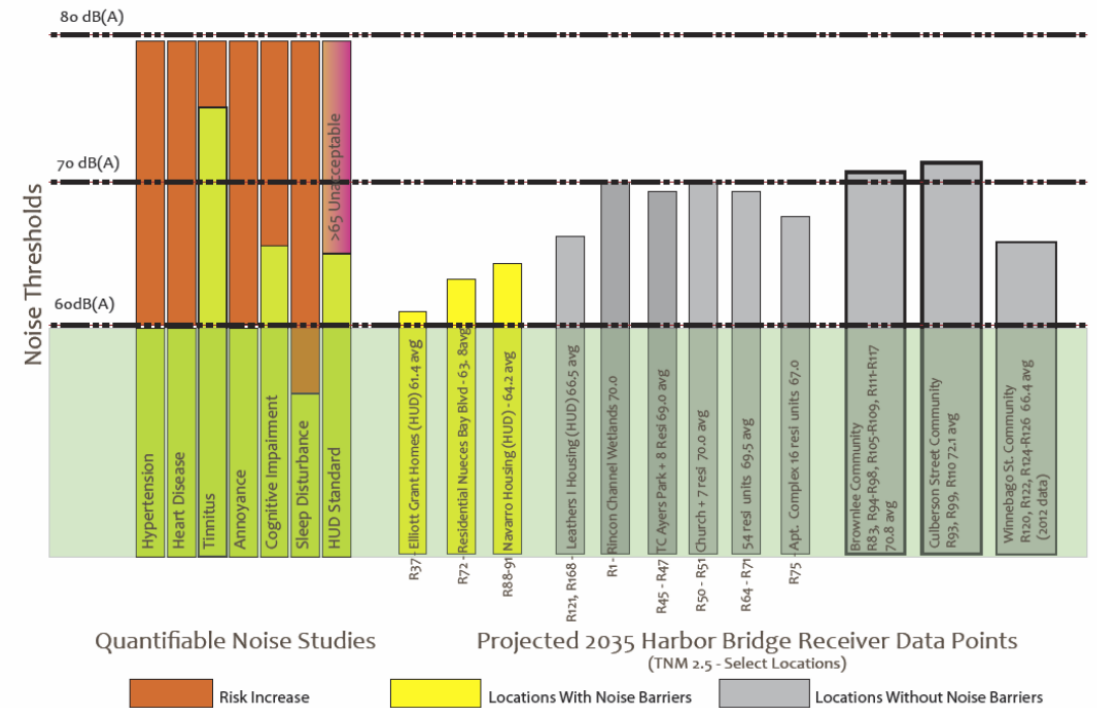
ASTHMA



Increased Air Pollution



Noise



Federal funding agency

DOT/FHWA



Complainants

Ms. Jean Salone



Ms. Rosie Porter



State funded agency

TxDOT



Harbor Bridge Title VI Settlement



A **voluntary relocation program** pursuant to the Uniform Act (URA)

Homeowners, renters, churches, small businesses, & rental properties



Relocation of **public housing** tenants and property



A **City Liaison** in the neighborhood to connect residents to City services



Improved parks, and a new park commemorating the historic black neighborhoods



Mitigation of construction impacts, such as noise, dust, air pollutants, and traffic



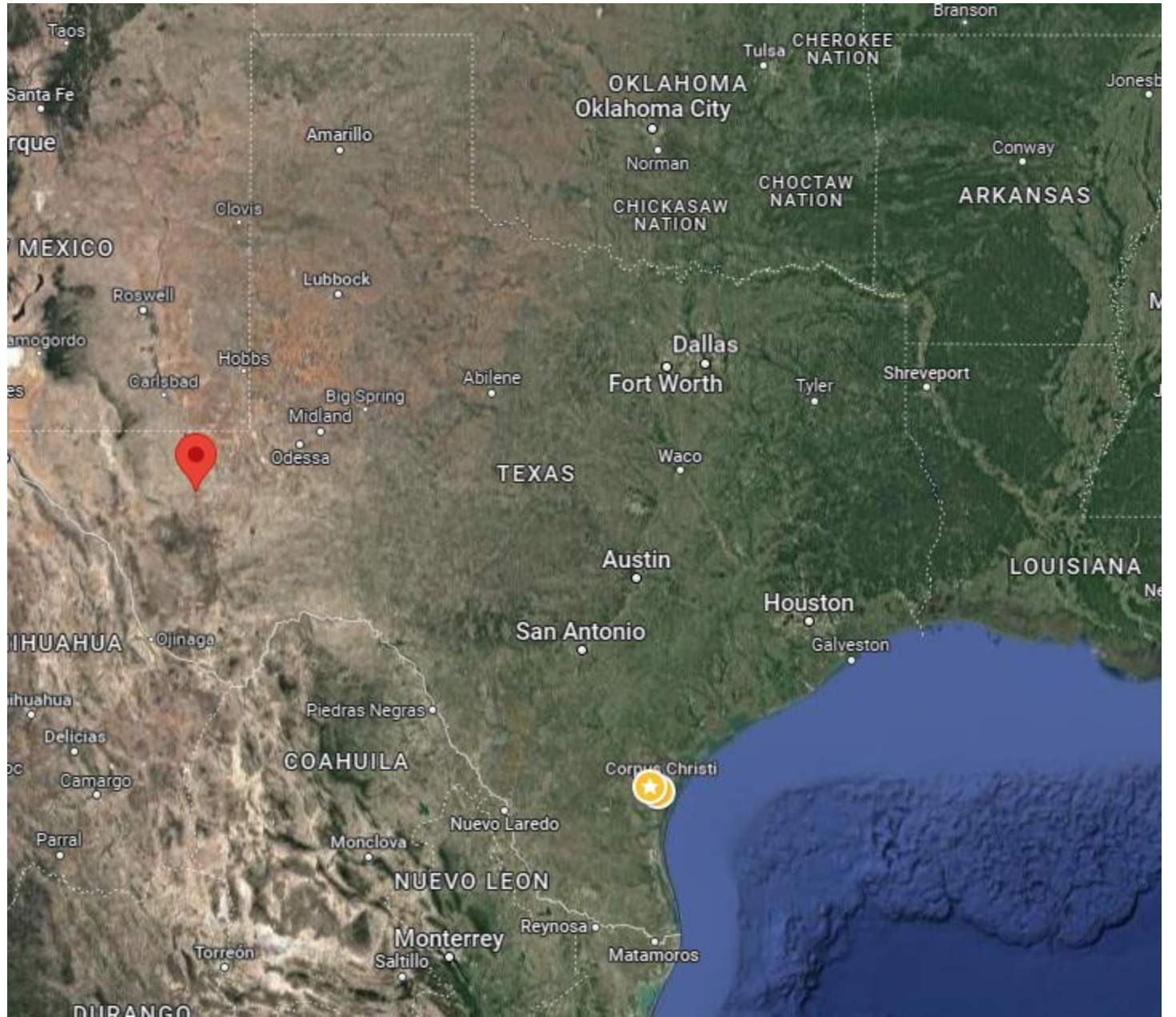
Property Owners (Home Owners / Landlords with Tenants)

Parcels Eligible for Program	386
Owner Occupied	176
Off-site Owner	210
Appraisals Ordered	390
Relocation Packages Presented	327
Offers Accepted	308
Parcels Acquired	308
Program Participation	80%

Tenant Relocation Packages

Toyah, Texas

Clean Drinking Water



Boil water notice for over 4 years

Violations of federal Safe Drinking Water Standards

Students intervened in agency enforcement

Attorney General lawsuit for receivership, TCEQ worked with city

Grant for community testing program

Boil water notice lifted March 2023

Recently - City again in violation, need for alternative source



QUESTIONS/COMMENTS
